

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
) CASE NO. 3:05-CR-234-A
v.)
)
TYRONE WHITE)

SUPPLEMENTED MOTION FOR ADMISSION PRO HAC VICE

COMES NOW the undersigned, and respectfully renews his motion for admission on behalf of Attorney Allison Highley, and supplementing his Motion Pro Hac Vice (Doc. 41) as follows:

1. Allison Hale Highley sat for, and passed, the Washington State Bar Examination in July 2003. After being sworn in as a member of the Washington Bar on November 13, 2003, Ms. Highley practiced law from December 2003, to August 2004, as an associate attorney at the Law Offices of Felicia A. Malsby, in Gig Harbor, Washington, and from August 2004, until July 2005, at Doherty & Fleury, LLP, in Tacoma, Washington.

2. Ms. Highley is married to Samuel Highley, a major in the United States Air Force. See Military ID Card, attached hereto as **Exhibit A**. In July 2005, Major Highley was stationed to Maxwell Air Force Base, in Montgomery, Alabama, to attend Air Command and Staff College, which is a 10 month term of study. Unlike most military assignments, which can vary in duration, being stationed at Maxwell Air Force Base to attend school is a fixed-term assignment, and once the school term is over, the Highleys will relocate out of the State of Alabama.

3. Ms. Highley maintains her residency in Washington. She remains licensed to drive and registered to vote in Washington State. (Under Alabama law, a non-resident at least 16 years old who has in his immediate possession a valid driver license issued to him in his home state is

not required to obtain an Alabama State driver license. This includes military personnel from other states and their families stationed in Alabama, even though their assignment in Alabama may be of long duration.) Ms. Highley's vehicle is also registered in Washington. See Washington Driver License and Postcard from Pierce County Auditor, attached hereto as **Exhibit B**. Importantly, Ms. Highley also maintains her license to practice law in Washington. See Certificate of Good Standing, Washington State Bar Association, attached hereto as **Exhibit C**. Thus, Ms. Highley maintains, and presently intends to continue to maintain, her Washington residency and Washington licensure to practice law.

4. From the time she was sworn in as an attorney in Washington, Ms. Highley was eligible for membership in the Bar of the District Court of the Western District of Washington. The local rule, governing admission to the Western District of Washington is set forth below.

(b) Eligibility

Any attorney who is a member in good standing of the Washington State Bar, and any attorney who is a member in good standing of the bar of any state and who is employed by the United States or one of its agencies in a professional capacity and who, while being so employed may have occasion to appear in this court on behalf of the United States or one of its agencies, is eligible for admission to the bar of this court.

(c) Procedure for Admissions

(1) Each applicant for admission to the bar of this court shall file with the clerk a written petition setting forth his residence and office addresses, his general and legal education, and by what courts he has been admitted to practice. The petition shall contain a certification by the applicant that he has read the Federal Rules of Civil and Criminal Procedure and the Local Rules of this court. The petition shall be accompanied by certificates from two reputable persons who are either members of the bar of this court or known to the court, stating how long and under what circumstances they have known the petitioner and what they know of the petitioner's character. If a certificate is presented by a member of the bar of this court, it shall also state when and where he was admitted to practice in this court. The clerk will examine the petitions and certificates and if in compliance with this rule, the petitions for admission will be presented to the court in a group at

a session to be arranged by the clerk. Petitions for admission may be presented at other times only upon good cause shown, and not earlier than five days after the filing of the petition. When a petition is called, one of the members of the bar of this court shall move the admission of the petitioner. If admitted, the petitioner shall in open court take the oath set forth in subsection (3) hereof, and pay the statutory fee. Western District of Washington Local Rules, General Rule 2.

5. Ms. Highley has been eligible for membership in that Federal Bar since November 13, 2003, but she did not seek admission until October 2005. Ms. Highley satisfied all requirements and was granted admission at that time. She remains an unrestricted member of that federal bar to this day. See Certificate of Good Standing, United States District Court for the Western District of Washington, attached hereto as **Exhibit D**.

6. As discussed below, the Local Rule in the Middle District of Alabama only requires that the non-resident lawyer be admitted to practice in the U.S. District Court for the District in which such person resides or regularly practices law. It is not required that the non-resident lawyer have filed or tried any cases in that court.

7. The local rule governing admissions *pro hac vice* in this district, states that "any attorney who is not a member of the Bar of this Court but who is admitted to practice before the United States District Court for the district in which such person resides or regularly practices law, may, upon request, be admitted *pro hac vice* by an order of any district judge, magistrate judge, or bankruptcy judge of this Court." See Local Rule 83.1(b). In the instant case, Ms. Highley is an attorney, who is admitted to practice before the United States District Court for the Western District of Washington. A visitor to the State of Alabama, Ms. Highley is, and intends to remain, a Washington resident and attorney. Therefore, she may be admitted under the local rule.

WHEREFORE, above premises considered, the undersigned prays that this Honorable Court will GRANT admission *pro hac vice* to Ms. Highley, to assist the undersigned in this matter before this Court.

RESPECTFULLY SUBMITTED this 22nd day of November 2005,

TYRONE WHITE
Defendant

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
Attorney for Defendant
Alabama Bar No. MCP004
McPhillips Shinbaum, LLP
P.O. Box 64
Montgomery, AL 36101
(334) 262-1911

CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Todd A. Brown
Assistant United States Attorney
One Court Square, Room 201
P.O. Box 197
Montgomery, Alabama 36101

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
Attorney for Defendant

Exhibit A

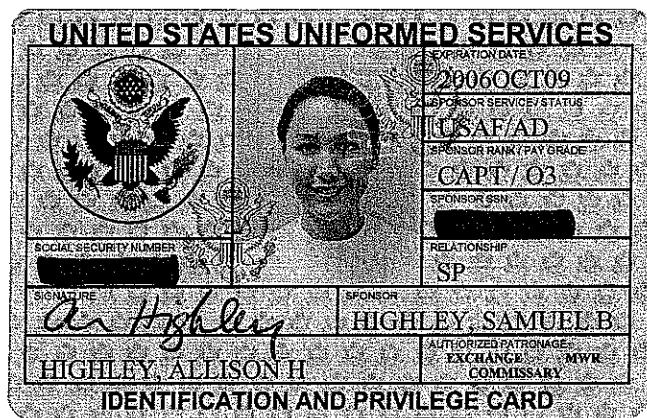
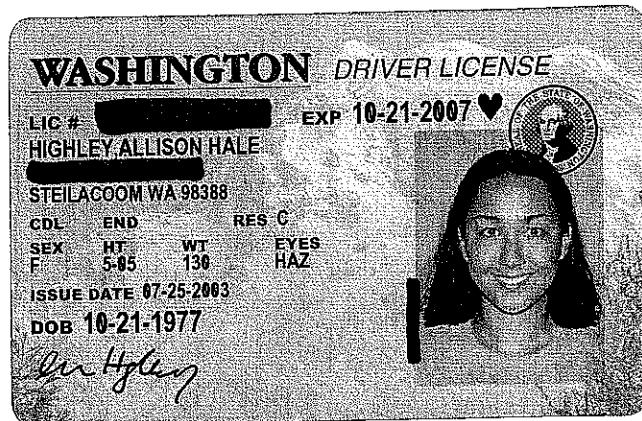


Exhibit B



HIGHLEY, ALLISON H
STEILACOOM WA 98388-1324

PLACE STAMP HERE
POST CARD RATE
POST OFFICE WILL
NOT DELIVER MAIL
WITHOUT PROPER
POSTAGE

PIERCE COUNTY AUDITOR
VEHICLE LICENSING
2401 S 35TH ST #200
TACOMA WA 98409-7460

Exhibit C

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE ADMISSION

BAR # 34145

OF

CERTIFICATE OF GOOD

ALLISON HALE HIGHLEY

STANDING

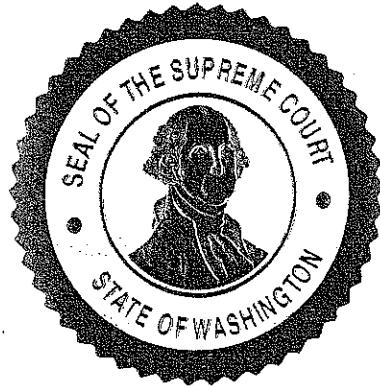
TO PRACTICE IN THE COURTS OF THIS STATE.

I, C.J. Merritt, Clerk of the Supreme Court of the State of Washington, hereby certify

ALLISON HALE HIGHLEY

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington, on November 13, 2003, and is now and has been continuously since that date an attorney in good standing in said Court.

IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed
the seal of said Court this
11th day of October, 2005



A handwritten signature in black ink that reads "C.J. Merritt".

C.J. MERRITT, SUPREME COURT CLERK

WASHINGTON STATE SUPREME COURT

Exhibit D

CERTIFICATE OF GOOD STANDING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

I, Bruce Riffkin, Clerk of the United States District Court for the Western District of Washington, Do Herby Certify that Allison Hale Highley was admitted to practice in said Court on October 25, 2005 to the Western District of Washington, and is in good standing as a member of the bar of said Court.

Dated at Seattle, Washington on October 28, 2005.

Bruce Riffkin
Clerk


By _____
Deputy Clerk